1908-014 Chancery Cause: Mary E. Collins &c by &c. vs. Harrison Gibson
Lee Co.

Bell

CA - Estate Dispute
T - Property

TO THE HON. H. A. W. SKEEN, JUDGE OF THE CIRCUIT COURT FOR LEE COUNTY.

Humbly complaining Mary E. Collins, ESty Collins, and Henley Collins who are infants and sue by Berdine Bell, their grand-father, and next friend, will respectfully show unto your honor that their father, Henley Collins, departed this life on the 20th day of December, 1901, leaving your complainants and their mother, Martha Collins, his only heirs at law to whom his property, both real and personal, descended. That after the death of their said father, to-wit on the 17th day of August, 1907, their mother departed this life intestate.

Your complainants will show unto your honor that their father was the owner of a small tract of land situated in Lee County, Virginia, and near the Tennessee line. He also left a small personal estate. No administrator has been appointed for said estate, but recently in the vacation of your honor's court, Mr. Harrison Gibson was appointed guardian for your complainants, but by the order so appointing him, said order was not to become effective until the said Gibson executed bond in the sum of $200.00 conditioned as according to law. Said bond has not been given and in fact your complainants are of the opinion that the said Gibson cannot give said Bond, nor is he a fit person to be appointed as guardian for them. He is illiterate, irresponsible, and is in no way a suitable person to have charge of either the person or the property of infant children. A copy of the order so appointing the said Harrison Gibson as guardian for them is filed herewith as a part hereof marked exhibit "1".

Your complainants will now further show your honor that since the order was made appointing the said Harrison Gibson as guardian as aforesaid, he has gone without any authority and taken possession of a cow belonging to said children, and which came to them from their mother, she being the owner of said cow in her life time, and has advertised the same for sale for cash in hand on the 25th day of January, 1908.

Your complainants are advised that if said Gibson is allowed to sell said cow that he will appropriate said money to his own use and

they will be deprived of the benefit.

Your complainants will further show unto your honor that two of them to-wit, Ebsy and Henly are now living with their grand-father, the said Berdine Bell, and he is duly taking care of them, boarding them, clothing and educating them. And your complainant the said Mary is living at the house of the said Harrison Gibson, and when seen on the 16th day of January, 1908, when there was a deep snow on the ground she was barefooted and badly clothed.

Now the object of this bill is to enjoin and inhibit the said Harrison Gibson from selling said cow, or in any way acting as guardian for your infant complainants, and being without remedy at law, they pray your honor to take cognizance of their cause and to this end they make the said Harrison Gibson a party defendant to this bill, and pray that he may answer the same, but he need not do so under oath, answer under oath being expressly waived: that he be enjoined and inhibited from selling said cow or in any way acting as guardian for your complainants, and that if deemed proper on a final hearing of this cause, that the order appointing the said Harrison Gibson as guardian for your complainants be annulled, vacated, and set aside, and that a competent guardian be appointed for them, and they pray for full and complete, general relief, both special and general.

Duncan & Cridlin P.Q.

Virginia,

Lee County, to-wit:

This day Berdine Bell personally appeared before me, Geo. P. Cridlin, Commissioner in Chancery, and made oath that the facts stated in the foregoing bill are true.

Given under my hand this the 17th day of January, 1908.

Geo. P. Cridlin
Commissioner in Chancery.

An injunction is hereby granted restraining Harrison Gibson from selling the cow mentioned in the bill and from acting as guardian of the infants mentioned in the bill, and no bond is required of the plaintiffs as the Judge is of the opinion that none should be required in such case and the order to be effective from date. June 21, 1908.

H. A. W. Sillers
Judge

To H. & J. Ewing, clerk

Mary E. Collins et al
vs
Harrison Gibson

1908 1st Mch. Rule
Bill filed & Sum.
exed'd & D.R.
3rd March Rule
D.R. confirmed
& emjd'd perp
& amp.

Costs:
Clerk $6.02
Sheff. .50
Atty. 15.00
$21.52

Mary E. Collins Ed Athey by Atty P.T.
against
E. E. Dinsby
Harrison Gibson Defendant
This cause came on this day
to be heard upon the papers formerly
read in the cause, and the rule against
Benjamin Bell to give security for costs
and was argued by counsel-
on consideration of which, said ~~Bell~~
bond not having been given,
the court doth decree that Plaintiffs
bill be dismissed, and injunction
dissolved with damages, and that
Harrison Gibson recover of Benjamin
Bell his costs of this suit ~~for~~ to
be taxed by Clerk for which
execution may issue, and the
cause is stricken from the docket,

Mary E. Collins et vir
vs
Final Decree
Hannah Tilson

Entered in Ord. B.
8, page 396

Enter This

H A W Sloan

Sept. 15-1908

72
15
87
20
1.07

Birdine Bell for etc Plaintiff.

vs. Decree

Harrison Gibson, Defendant.

On the calling of this cause, it was suggested by counsel for Defendant that the Plaintiff, Birdine Bell, is a non-resident of the State of Virginia, and he be required to give security for costs of suit.

It is therefore adjudged and decreed that the Plaintiff execute bond and security for costs in this cause in the sum of $50.00 within Sixty days from this date and the cause is continued.

Birdine Bell. Complete

vs. E. J. Dicerson

Hanson Gibson Deft.

Extend in C.O.B.
#8, page 373 &c

Enter this -

H C W Sloan

May-7-1908-

Virginia,

In the Clerk's Office of the Circuit Court for Lee County, in vacation, on this the 3rd day of January, 1908.

In vacation, at Big Stone Gap, Va. Jan. 2ond, 1908.

On motion of Orville Collins, the Judge doth appoint Harrison Gibson Guardian for Mary E. Collins, age 8 yrs. Etsy Collins, age 7 yrs. and Henly Collins, age 5 yrs. infant children of Henly Collins, dec. This order to take effect when the said Harrison Gibson takes the oath before the Clerk of the Circuit Court of Lee County Virginia; and this appointment is made for the only purpose of permitting the said Harrison Gibson to make rental contract with reference to his said wards' real estate for the year 1908, and before he shall take charge of any funds belonging to said infants he will wait to qualify at the next term of the Circuit Court of Lee County and execute bond in the sum of $200.00.

To the Clerk of ~~the~~ Lee Circuit Court.

H. A. W. Skeen, Judge.

Teste: H. C. T. Ewing, Clerk.

Virginia, Lee County, to-wit:

I, H. C. T. Ewing, Clerk of the Circuit Court for the County aforesaid, in the State of Virginia, do certify that the foregoing is a true and perfect copy of an order appointing Harrison Gibson Guardian for Mary E. Collins and others, as the same appears of record in my office in Common Law Order Book No. 7, on page 38.

Given under my hand on this the 17th day of January, 1908.

H. C. T. Ewing, Clerk.

Mary E. Collins et al by &c
vs. { In Chy.
Harrison Gibson

"Exhibit No. 1" with
Bill

Fee 30¢

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.
Form No. 305.

Know all Men by these Presents, That I _____ am held and firmly bound unto the Commonwealth of Virginia, in the sum of ($50.00) — Fifty — to be paid to the said Commonwealth, for which payment, well and truly to be made, I bind myself, my heirs, executors and administrators, firmly by these presents. And I hereby waive the benefit of my homestead exemption as to this obligation, and any claim or right to discharge any liability to the Commonwealth arising under this bond, with coupons detached from the bonds of this State. Sealed with my seal, and dated this 8th day of Sept., in the year one thousand nine hundred and ~~ninety~~ Eight.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas a suit hath been instituted in the Circuit Court of the County of Lee by Mary E. Collins, Esty Collins and Finly Collins, infants, who sue by Burdine Bell, their grandfather and next friend, against Harrison Gibson, and

a suggestion was entered by the Harrison Gibson that the said Burdine Bell is

not resident of the State of Virginia, and that security was required of him for the payment of the costs and damages which may be awarded to the said defendant and of the fees due or to become due in the said suit to the officers of the said court. Now if the above bound Burdine Bell shall well and truly pay all such fees as are due or may become due from the said

to the officers of the said court in the prosecution of the said suit, and moreover shall well and truly pay to the said defendant all such costs and damages as may be awarded to _____ in case the said plaintiff, shall be cast therein, and condemned to pay the same, then this obligation is to be void, otherwise to remain in full force and virtue.

Executed, acknowledged, &c., in the presence of } _____ SEAL.

In the Clerk's Office of the _____ *Court of the* _____ *of* _____.

The above named _____ this day made oath before me, _____ of said court, that his estate, after the payment of all his debts, and of such liabilities as he may have incurred as security for others, is worth the sum of _____ the penalty of the above bond.

Given under my hand this _____ day of _____ 189__

_____ Clerk.

to { BOND FOR SECURITY FOR COSTS.

Commonwealth.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Harrison Gibson

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the 1st Monday in March 1908, to answer a bill in chancery exhibited against him in our said Court by Mary E. Collins, Esty Collins and Henly Collins, infants who sue by Berdine Bell, their grand-father and next friend.

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 23rd day of January, 1908, and 132 year of the Commonwealth.

A Copy, Teste: H. C. T. Ewing, Clerk

_____, Clerk

An injunction is hereby granted restraining Harrison Gibson from selling the cow mentioned in the bill and from acting as guardian of the infants mentioned in the bill and no bond is required of the plaintiff as the Judge is of opinion that none should be required in such case and this order is to be effective from date. Jan. 21, 1908.

H. A. W. Skeen, Judge

A Copy Teste: H. C. T. Ewing, Clerk.

Mary E. Collins, Etal
vs
Harrison Gibson

SUBPŒNA IN CHANCERY

Duncan Maddox p. q.

To the 1st March Rules

Lee County Court

1908.

Granted by Irving
Copy on Harrison
Gibson Thurs Jan 25
1908 W. G. Tilden S. P. C.